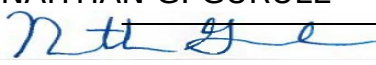
	LOS LUNAS POLICE DEPARTMENT		
	OPERATIONS	NUMBER: OPR.02.01	EFFECTIVE DATE: July 09, 2010
	SUBJECT: Criminal Investigations		REVIEW DATE: July 10, 2017
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: OPR.02.01-OPR.02.05; OPR.03.06		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

I. STATEMENT OF PURPOSE

The Criminal Investigation Division's goal is to thoroughly investigate reported criminal offenses and arrest persons responsible for the commission of these crimes. Officers assigned to the Criminal Investigation Division are non-uniformed personnel who investigate and prepare case reports, arrest warrants, search warrants, make arrests of defendants, and prepare other documents, which are required for completion of assignments and presentation to the proper prosecuting authority.

II. PRELIMINARY/FOLLOW-UP INVESTIGATIONS:

- A. During an investigation the officer should observe all conditions, events and remarks as well as locate and identify suspects, victims, witnesses, identify and protect crime scenes and arrange for collection of evidence.
- B. The investigator will gather facts and evidence at the scene by the use of department equipment through interviews and interrogations in an effort to establish circumstances and perpetrator of the crime.
- C. Investigators will interview witnesses, complainants, suspects, and victims and others who could have knowledge of a crime. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
- D. Once a crime has been reported to the Los Lunas Police

Department a preliminary investigation will begin. A preliminary investigation is the initial report of an offense.

1. Most preliminary investigations are conducted by Patrol Officers, unless conditions exist to warrant the involvement of Criminal Investigation Division personnel in the initial investigation.
2. During the investigation, the officer should observe all conditions, events and remarks, as well as locate and identify any witnesses.
3. Investigations and information obtained will follow guidelines set forth in New Mexico state statutes dealing with criminal law, criminal procedure and accessibility to various records keeping systems. Case law established by New Mexico and Federal courts applies to all investigations.
4. When questions arise on legal procedures, investigators should consult with supervisors and the District Attorney's Office for appropriate guidance.

III. CASE SCREENING

- A. Cases, except those closed by the original investigating officer, are classified as "pending further investigation." Cases pending investigation remain in this status until such time that an alternate classification has been assigned.
- B. The designated supervisor, who is assigned responsibility to screen cases, shall issue cases to investigators based upon solvability factors.
 1. A decision shall be made by the supervisor whether to assign a case for investigation or change the status to "not assigned." This decision is generally based on minimum solvability factors.
 2. Solvability factors should assist supervisors in maximizing available resources in the investigation of potentially solvable cases and cases of more serious nature.
- C. Solvability factors

Solvability factors are considered based upon the following

criteria:

1. Complainant does not wish to prosecute.
2. Suspect arrested.
3. Suspect named/identified/location known.
4. Suspect vehicle information known/described.
5. Persons or major crime(s) against person/property having substantial loss.
6. Traceable property taken.
7. Witness to the offense.
8. Evaluation of evidence.

IV. CASE ASSIGNMENT

- A. The Los Lunas Police Department Criminal Investigations Division may assist in all felony reports and misdemeanor reports with a high solvability factor for follow-up investigation,—if the patrol division is in need of assistance. The decision to forward a case of this nature will be made by the criminal investigations sergeant in consultation with the patrol sergeant or their designees. (Revised August 6, 2015)
- B. When the patrol division forwards any case to CID, they will forward the case to the criminal investigations sergeant for approval through RMS Workflow. The criminal investigations sergeant will either assign the case to an investigator or send the case back to the patrol officer through RMS Workflow.
- C. Cases assigned for investigation will be made by the Detective Sergeant, unless otherwise directed.
- D. Cases which are assigned are logged by the Detective Sergeant. The information contained therein is listed numerically with the victim's name, date, assigned to, and case status.
- E. The investigator will be responsible for coordination of the investigation and seeing that all information is compiled and properly channeled.
- F. In the event that the Detective Sergeant reviews a report where officer(s) have to obtain or can obtain information for prosecution, the original will be returned to them.

V. ON SCENE INVESTIGATIONS

Once an investigator has been called to the location for a preliminary investigation, he/she is responsible for the following:

- A. The investigator will take responsibility of the scene when asked to respond to a location. Once established that there is no danger to themselves or others, the scene may be secured with no additional officers, investigators or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. A log will be kept on record of personnel entering the crime scene.
- B. The investigator will gather facts and evidence at the scene by use of department equipment and interview or interrogation, in an effort to establish the circumstances and perpetrator of the crime.
- C. All evidence collected will be properly secured and tagged before completion of duty that day. If an arrest is made, the primary officer or the investigator will file an affidavit and/or criminal complaint to be attached to all arrest reports of the defendant. Supplemental reports will be completed and turned in for review.
- D. The investigator will review and analyze all reports and complaints prepared by other officers involved in the investigation of the case during the preliminary investigation.

VI. FOLLOW-UP INVESTIGATIONS

Follow-up investigations are those which go beyond the scope of preliminary and usually apply to those cases which are assigned. Included are following-up information that may lead to the identification and arrest of a suspect, property recovery and/or clearance of a reported offense. In most cases follow-up investigations are conducted by an investigator. These investigations should be conducted in accordance with applicable department procedures:

- A. Cases will be assigned to the investigator by the Detective Sergeant responsible for distribution. This distribution will be made as equitably as possible.
- B. Once assigned a case, the investigator will analyze all reports prepared in the preliminary investigation.
- C. The investigator will seek additional information by contacting uniformed officers, and re-contacting victims, witnesses,

complainants or informants and prepare case files.

- D. The investigator may complete a neighborhood canvass, if one was not done during the preliminary investigation. The canvass may be done in person or by telephone and completed as soon as possible.
- E. Conduct additional interviews and interrogations.
- F. Review applicable department records:
 - 1. Arrest records/criminal history of suspects.
 - 2. Jail logs.
 - 3. Field interrogation cards.
 - 4. Pawn shop tickets.
 - 5. Computer records.
 - 6. Intelligence information.
- G. Submit evidence request to the evidence technician for laboratory analysis and review the results upon completion. Submit fingerprint comparisons on suspects.
- H. Plan, organize and conduct necessary searches.
- I. Collect and submit for processing any additional physical evidence.
- J. Identify suspects, have composite pictures made, and provide photographic lineups for victims and witnesses. Photo lineups will be completed in accordance with this department's photo lineup policy.
- K. Disseminate suspect information to proper department personnel and other appropriate agencies.
- L. Prepare warrants.
- M. Locate, arrest and question suspects. Attempt to determine suspect's involvement in other crimes.
- N. Prepare the case report for presentation to the District Attorney's Office or other appropriate authority. Present all related documentation and physical evidence in court proceedings.

- o. Assist the prosecuting attorney as needed. It shall be the responsibility of the assigned investigator to properly channel all pertinent case information when required to proper personnel and/or agencies.

VII. DEVELOPMENT OF INFORMATION

During a criminal investigation information should be developed through a variety of accepted methods.

- A. Witnesses, victims, and others who could have knowledge of a crime can be interviewed. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
- B. Photographic array may be re-arranged for victims/witnesses in order to identify a suspect.
- C. Criminal history, intelligence, background investigations and informational records maintained by the Department may be reviewed to obtain information on suspects and offenses.
- D. Records and files maintained outside the Department may be accessed to obtain information on suspects, victims, or other persons involved in a case. These sources may include:
 - Pawn shop files.
 - Driver's license files.
 - Vehicle registration files.
 - Outside law enforcement agency files.
 - Social Service/probation service files.
 - Public utility files.
 - Crime Stoppers programs.
 - Suspects or arrested persons in reference to an offense.
- E. Surveillance may be conducted on suspects or at potential offense sites.
- F.——Undercover officers may be utilized to gain information from suspects.

- G. Interview with inmates may be conducted to gain information.

VIII. CASE FILE MANAGEMENT

- A. Each investigator will maintain working files. All working files from January to December of that year and cases that have low or zero solvability factors will be removed from active status and turned into records division.
- B. Cases which have a possibility to be solved will remain in the investigative section. Each investigator will be required to store all case files assigned in a secure location within the division. A case status log will be maintained by the Detective Sergeant.
- C. The Detective Sergeant is the coordinator on each case assigned to the investigation division. He/she is responsible to assign cases to the appropriate investigator.
- D. All police report which are generated by the Detective Division will be maintained either in investigations or by records division and will be destroyed according to retention schedule guidelines. Purging of all inactive files will be the responsibility of the Detective Lieutenant and Detective Sergeant and they will comply with the public records retention schedule.

IX. SCHEDULING

Scheduling for investigators working within the Criminal Investigation Division will be determined by the CID Sergeant, taking into account the needs of the community and the department at the time. The number of personnel and hours worked will be designated according to necessity as seen by the division commander and the CID sergeant.

- A. CID personnel are generally classified as non-essential. As such, they do not ordinarily work on holidays. The Chief of Police or his designee may assign personnel to work on holidays for special assignments or to complete necessary assignments within their division.
 - 1. When scheduling days off and approving leave requests, seniority of being assigned to the division is applied in determining priority.
- B. Investigators will be encouraged to periodically attend patrol briefings. This should enhance relationships and provides a

method for the exchange of information.

- C. Non-duty hours call out will be on a rotating basis.
 - 1. The on call Detective will have approximately one hour from being contacted, to respond to the scene when deemed necessary that the on call Detective needs to be called out.
 - 2. The on call Detective will make sure that his/her assigned unit is fueled prior to the end of shift.
 - 3. The on call Detective will be required to have all necessary equipment needed for evidence collection or detection.
- D. All Criminal Investigations Division call outs will be made in the following manner:
 - 1. The duty sergeant or their designee will contact the CID sergeant or their designee and explain the facts and circumstances of the particular incident (Revised August 6, 2015).
 - 2. The CID sergeant or their designee will determine if the "on call" detective will be called out to the incident (Revised August 6, 2015).
 - 3. If the CID sergeant determines that the "on call" detective needs to be called out, the CID sergeant or their designee will be responsible for calling the "on call" detective who will respond to the scene.

X. FORFEITURES OF SEIZED PROPERTY

Seized property that is subject to forfeiture is pursued in accordance to federal and state law.

- A. Forfeiture cases are filed through the District Court or Federal Courts. Forfeiture documents are completed by the assigned investigator and filed by the investigator.
- B. The completed forfeiture documents are submitted for supervisory approval. A copy is maintained with the case report while the original is submitted to the District Attorney or the Federal Agency assisting in the investigation.

- C. The seized property is held by the Lieutenant of Support Services pending final disposition by the court, to include monitoring the proceeds from forfeited assets.
- D. Los Lunas Police Department officers and/or investigators can approach all individuals at a scene and request that a voluntary disclaimer of interest and ownership be completed, when the owner cannot be identified.

XI. INVESTIGATIONS

This department recognizes that investigations are handled in a variety of ways that may not follow the same sequence as noted below. The below investigation steps are to be used as guides. There may be steps that are not listed that investigators may consider and there may be steps listed that investigators do not feel will benefit their case. The crimes listed below are not all inclusion nor are the steps listed after each crime.

A. Homicide Investigations

Any death, of suspicious nature, shall be considered a homicide, until such evidence indicates differently.

1. The first arriving officer/investigator will establish that the victim is in fact deceased. He will take into consideration his own safety and the safety of others when arriving at such a scene. Once established that there is no danger to himself or others, the scene will be secured with no additional officers, investigators or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. As soon as practical a crime scene log will be established, documenting the entrance and exit times of all personnel into and out of the crime scene.
2. The identity of the victim will be made as soon as possible.
3. A determination of the location of the original crime scene, if other than where the body is located will be made.
4. The Office of the Medical Examiner will be notified as soon as possible for response to the location of the body. The body will not be moved until the CID personnel determine it is okay to do so. Determination as to the time of death, through medical examination made as soon as possible.

5. Determine the means of death.
6. Develop information about the case from:
 - a. Background and activities of the victim.
 - b. Information on last hours of the victim.
 - c. Follow-up on any vehicle information.
 - d. Injured suspects.
 - e. Witnesses/informants, interview of persons with knowledge of the victim's activities and with access to the premises of the crime.
 - f. Weapon(s) used.
 - g. Connections with other crimes.
 - h. Motive.
 - i. Opportunity, including known persons at the scene and persons believed to have been at the scene.
7. Examine evidence.
8. Exonerate innocent suspects.
9. Develop exculpatory evidence to include:
 - a. Alibi.
 - b. Self-defense.
 - c. Intent
 - d. Mental state
 - e. Sobriety.
 - f. Criminal record of the suspect/victim.
 - g. Criminal and mental records of victim, offender and witnesses.
10. Coordinate with appropriate agencies for traumatized family members/witnesses.
 - a. Chaplin services may be requested from outside agencies.
11. Complete all applicable general investigative procedures.

12. The detective supervisor will be in charge of coordination of all aspects of the investigation including but not limited to:
 - a. Crime scene(s) processing
 - b. Interview(s) and interrogations
 - c. Evidence collecting and recording
 - d. Follow-up investigations and assignments

B. Sexual Assault Investigations

1. Obtain consent to search or obtain evidentiary search warrant for biological evidence present at the scene and/or on the victim(s) person(s). Collect the biological evidence in a forensically sound manner.
2. If the suspect(s) is identified, obtain an evidentiary search warrant issued for body fluids and hair, and have these items collected.
3. Ensure that all physical evidence is properly tagged/secured and transferred to the custody of the evidence technician. All forensic evidence shall be accompanied by a completed State of New Mexico Forensic Laboratory Evidence Receipt. All forensic evidence shall be forwarded to the state forensic laboratory as soon as practical and no later than 30 days upon taking custody of the evidence.
4. If the suspect is not known, have a composite picture made of the suspect from descriptions of victims or witnesses.
5. Consider a polygraph for the suspect.
6. Notify and coordinate with appropriate agencies if the victim is a child and the suspect has access to the child
7. Coordinate with victim-witness assistance agencies for traumatized persons.
8. Complete all applicable general investigative procedures.

C. Burglary/Theft Investigations

1. Ensure that all stolen property meeting established criteria is entered in the NCIC and local computers.
2. Ensure the prompt removal of items upon recovery from NCIC.
3. Develop methods and means to identify suspects, make arrests, and file cases.
4. Develop informants, if trained to do so, with information for location and recovery of stolen property and to identify suspects.
5. Develop intelligence information on known suspects and their activities.
6. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
7. Consider polygraph examinations for suspects.
8. Complete all applicable general investigation procedures.

D. Forgeries

1. Confirm that forged instruments and copies of forgery affidavits are obtained and properly logged into evidence.
 2. Contact the person accepting the forgery to verify that the alleged document is the one that was actually presented, and information of suspects are obtained.
 3. Contact the account holder to verify information and to determine any additional information that would be pertinent to the investigation.
4. Complete all applicable general investigation procedures.

E. Auto Thefts

1. Develop informants, if trained in this area, with information for the location and recovery of stolen vehicles, vehicle parts and to identify suspects.
2. Physically locate, remove, and seize any stolen vehicles,

vehicle parts discovered during an investigation.

3. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
4. Complete all applicable general investigation guidelines.

F. Outside City Limit Investigations

The investigation of a case may take an investigator outside the city limits for gathering of information.

1. Out of town investigations shall be cleared with a supervisor and proper justification given for the need to leave the city. This information shall be forwarded to the division commander.
2. Investigation or surveillance resulting in the execution of a search or arrest warrant requires the notification of an appropriate supervisor. The supervisor determines if participation in the execution of a search or arrest warrant outside the city is in the Department's best interest. If so, the supervisor coordinates the warrant execution with the agency having primary jurisdiction.
3. The supervisor shall make any decision to withdraw personnel or resources from such an operation if it is no longer in the best interest of the Department to continue.
4. The supervisor insures that the Department's procedural and operational requirements are adhered to by personnel under his supervision.
5. Deviation from the Departments procedures must be approved by the Division commander.

G. Victim Contact

In most cases, victims of a crime have never had contact with the police on a criminal case. The average citizen does not understand the procedure and investigative techniques or how the judicial system works. Investigators should explain the process to the victim.

1. The initial contact with the victim should occur as soon as possible upon receipt of a case. Following the initial contact investigators are encouraged to notify victims on any change in the status of their case (active, cleared, suspended, arrest made, etc).
2. Victim contacts are normally made employing one of the following methods:
 - a. In person.
 - b. Via telephone.
 - c. Letter form.

XII. REPORT REVIEW

All reports that become official record are reviewed for completeness, accuracy and offense elements.

- A. Detective Sergeant shall review reports for completeness, accuracy and offense elements.
- B. If a report is determined to be incomplete, inaccurate or lacks the elements of the stated offense it shall be returned to the investigator for correction. Investigators may be required to conduct additional investigation in order to make a case presentable for filing.
- C. Cases for filing are prepared and submitted by the investigator to the District Attorney's Office for final approval.
 1. The District Attorney's Office may review and return the case to the investigator for presentation to the appropriate court.
 2. Cases accepted for prosecution that the prosecuting attorney indicates needs further work, are to be sent to the filing investigator. That investigator will complete corrections requested or additional investigations and submit the follow-up in a timely manner. Additional work will be checked by the Detective Sergeant.
 3. Cases not approved are returned to the investigator for correction or further work, or cleared by no prosecution on the part of the District Attorney's Office.

- D. Investigators consistently displaying deficiencies in case preparation or investigative techniques shall receive notations of such work in their personnel files by the Detective Sergeant. Further displays of deficiencies will be monitored by the Detective Sergeant for further corrective actions required.

XIII. CRIMINAL HISTORY INVESTIGATIONS

A criminal history investigation is used as an investigative tool for law enforcement purposes to determine a person's involvement in past criminal offenses.

- A. Information developed in a criminal history investigation shall be used only to substantiate or disprove the alleged involvement of a person in a criminal case.
- B. All criminal history investigations shall be conducted in a discrete and professional manner to protect individual rights.
- C. A variety of sources may be used to obtain information including, some may require the investigator to obtain a warrant.
 - 1. NCIC and Criminal History Index (if criteria are met).
 - 2. Police Department Records
 - 3. Bank records and credit checks
 - 4. Medical records
 - 5. Relatives, neighbors, business associates, known associates, etc.
- D. Any information developed for background during an investigation should be documented separately from any other investigative reports. All information and material obtained is confidential and should be noted as such on the report. Any information shall be released for official purposes only following the established Department confidential records release policy.
- E. Any physical records obtained may be seized as evidence and handled accordingly.

XIV. CASE STATUS

- A. The investigator determines or changes the status of each case assigned. This decision is based upon information developed by, or provided to, the assigned investigator. Any change in the

status of the case is made through a supplemental narrative report.

B. Case status categories are designated as:

1. Refusal to Prosecute-Victim

No further actions are requested by the victim on the part of the investigator, except for domestic violence cases.

2. Refusal to Prosecute-District Attorney's Office

The case has been reviewed by the prosecuting authority and has declined to take the matter through the court process.

3. Cleared by arrest

- Defendant has been arrested

4. Exceptionally cleared -Referral to another agency

- The investigation of the case was turned over to another agency

5. Warrant/summons issued

6. Case unfounded

- Indicates that a case does not contain the legal elements of an offense required to meet its original classification.

7. Inactive

- Indicates that all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion. Investigative efforts may be resumed at a later date.

C. Information on the status of a specific case is recorded, maintained and updated by the investigator to which the case is assigned.

D. Periodic supplemental reports are completed by the assigned investigator, submitted for supervisory approval, and then submitted to the Records Section for processing. While all original copies of associated work will be forwarded to the

Records Section for maintenance, an investigator may at his discretion maintain a duplicate file of his own for investigative purposes. Upon case disposal, the investigator will abide by the State Records Retention Schedule when purging of files.

- E. The case status is noted in the log book.
- F. Victims of crimes are notified of any change in status of their case within 72 hours of the change by the investigator/officer aware of the change, unless such notification would jeopardize the investigation and the shift supervisor approves. Notification may be verbal or written and shall be noted in the case records.

XV. MONTHLY REPORT

A monthly report is the responsibility of the Detective Sergeant. The report shall be presented during the monthly Comp Stat meeting. The monthly report contains the following information:

- A. Total number of cases assigned investigation.
- B. Total number of cases assigned to each investigator.
- C. Total number of cases cleared by each investigator.
- D. Overall division clearance rate for the month.

XVI. INTERVIEW PROCEDURES

- A. A critical element of the interviewer's success is the amount of preparation done before the actual interview. The success of the interview depends on the investigator's observations, practices and experience.
- B. The interviewer should obtain specific background information to determine the person's credibility prior to beginning the interview.
 - a. Criminal history.
 - b. Person's relationship to the offense.
 - c. Person's relationship to other parties of the offense.
- C. Select the location where the interview is conducted. The ideal location for an interview is a controlled environment that provides privacy, comfort and convenience.
 - a. When possible the interview should be conducted in a

designated interview room or office in the police building. This room should be free from outside interference or interruptions. The room should be searched before and after for weapons and contraband. Often a room is not available after hours. If this is the case, the officer should find a secluded location in the office for the interview.

- D. Interviews conducted outside the police building should be conducted in comparable surroundings.
- E. The interviewer should present a professional appearance and be professional in manner.
- F. Pertinent information and physical evidence should not be disclosed during the interview. This helps to:
 - 1. Protect the "Rules of Evidence."
 - 2. Confirm or negate the credibility of the interviewed person.
 - 3. Insure the integrity of the interview.
 - 4. Protect against the possibility of the interviewed person being a suspect or accomplice.
 - 5. Gives the interviewer an opportunity to truly discover the knowledge of the person being interviewed.
- G. Taking notes during the interview is suggested, controlling the pace helps to insure that the interview is accurately documented. The interview may be recorded.
- H. When questioning has been completed, review what has been discussed and utilize notes to insure that all information is complete and accurate.
- I. A successful interview is accomplished through preparation, skillful interviewing techniques and confirmation that the witness has provided complete knowledge of the incident.

XVII. INTERROGATION PROCEDURES

- A. Interrogation is the act of obtaining information by asking a question or a series of questions to obtain:
 - 1. Facts needed to prepare a case against a defendant,
 - 2. Facts needed to take a good, legal and corroborative

3. voluntary Statement from a defendant, or
 3. Facts which might clear the person as a suspect.
- B. Obtain all known facts regarding the case. These may come from:
1. Written officer's reports
 2. Witness statements, and/or
 3. Accomplice statements, etc.
- C. Obtain all the information possible about the suspect to include:
1. Name(s) of accomplice(s)
 2. Previous criminal history.
 3. Information on personal habits, traits, known locations, etc.
- D. Select the proper place for the interrogation. Selection criteria should be:
1. Small room or office, free from interruptions or outside noises.
 2. Comfortable chairs and table or desk.
 3. In most cases, the suspect should be interviewed alone. This is especially important in cases involving sex crimes, homicides, and crimes against children.
- E. All interrogations will fall into legal and constitutional aspects set forth by the State of New Mexico and the government of the United States.
1. Preparations to stay with the suspect until the goal has been accomplished should be made.
 2. Never set time limits on the interrogation.

XVIII. MECHANICS OF THE INTERROGATION

- A. The arresting officer's actions and attitude at the time of arrest and in transport can have a direct bearing on the suspect's attitude during interrogation. To help make the interrogation more effective the officer should:

1. Advise suspect of the charge.
 2. If applicable, advise the suspect of his/her "Miranda Warning."
 3. Limit conversation with the suspect, unless a spontaneous statement is made. Do not discuss the case with the suspect.
 4. Conduct the interrogation in a professional manner.
- B. As an introduction to the actual interrogation, the interrogating officer should:
1. Assure the suspect that the officer is responsible for the suspect's case.
 2. Establish authority by using the officer's official title in the initial introduction.
 3. Inform the suspect of the matter that is going to be discussed and read the "Miranda Warning."

XIX. ORAL CONFESSIONS

- A. In order for an oral confession to be useful, some corroboration must be established or new incriminating evidence discovered as a result of the confession.
- B. On any oral confession, go over the story several times to be sure it is not a fabrication.
- C. Make an audio and/or video recording of the oral confession.
- D. Cautions are listed below in an attempt to avoid undue or worthless confessions.
 1. Do not give the impression that you are short of time or that you are rushed. Don't look at a watch or clock frequently.
 2. Try not to lose momentum in the interrogation, even if you have to repeat questions several times.
 3. Never promise something you can't give. Obtain written agreements from the District Attorney on plea bargains when possible.

4. Never allow personal emotions to destroy your rapport after the suspect confesses, even if the suspect admits to an offense other than the one they are being questioned about.
5. Maintain a commanding position and do not distract the suspect's attention by unnecessary body movements/language.

XX. CONSTITUTIONAL REQUIREMENTS

- A. All individuals are afforded all constitutional and state rights.
- B. In order to show that the constitutional rights of an individual have not been breached, when required officers will follow these guidelines:
 1. Avoid coercion during interviews or obtaining involuntary confessions or admissions.
 2. Always inform persons of their legal rights.
 3. Provide opportunity for legal counsel.
 4. Do not delay any person's arraignment.
 5. Never participate in pre-trial publicity that would tend to prejudice a fair trial.
- C. Officers carry the burden of proof that a waiver of "Miranda Warning" was voluntary and free of coercion. The use of written rights advisement forms is always encouraged whenever possible.
- D. Inducements to cooperate in an interview are not employed, except with the prior approval of the prosecutor. No assurances are made as to what will happen during any phase of the handling of the case.
- E. The interview is immediately terminated when the person requests counsel. Arrangements are to be made to comply with the request.
- F. Security procedures are used when interrogating persons who are in custody. Officers ensure the physical safety of the officer, as well as the arrested person.

This includes but is not limited to:

1. Searching the interview room prior to and after the interview for weapons and paraphernalia.
2. Custodial interrogations the subject is to be restrained.
3. Properly secure exits.

XXI. STATEMENT TYPES

A. Witness/victim statements

These are taken from a witness or a victim of a criminal offense which can be used in court and is subject to discovery.

B. Defendant statement/confession

These may or may not be a confession to an offense taken after the suspect has been advised of the appropriate constitutional rights. It is important that all remarks made in this statement are recorded exactly as stated, either oral or written, in the words of the person making the statement.

XXII. WITNESS/VICTIM STATEMENT

A. Recorded Statements

1. The correct case number shall be placed on the statement; this will help insure that the statement is processed with corresponding paperwork.
2. At the beginning of the recorded statement, the following information on the person making the statement will be required:
 - a. Name
 - b. Date of birth/age
 - c. Home address
 - d. Place of employment;
 - e. Telephone numbers to be reached.
3. If the person making the statement cannot read, or speaks a language other than English arrangements are to be made for interpretation. This is to insure accurate documentation of the statement.
4. The recorded statement should contain an introductory

paragraph. The main body of the statement shall then follow and contains information the witness can give on a particular offense. The following guidelines are adhered to:

- a. The statement is to be in the person's own words. No police language or officer's words are to be included.
 - b. An interview prior to the statement should be given to make clear what information will be covered, when practical.
5. Once the interview is completed, the recording is kept with the case file until determination is made to transcribe.
 6. The original copy of the transcription is placed in the case file in Records and a copy is given to the assigned detective.
 7. The recorded statement is considered part of the case file and retained for the same period of time.

XXIII. DEFENDANT STATEMENT/CONFESSION

- A. Prior to beginning any audio/video recorded or written statement from a suspect the officer must:
 1. Ensure the suspect has been made aware of his/her rights from the Miranda Warning.
 2. Insure the suspect understands the rights as read
 3. Insure any waiver of rights is made knowingly and any recorded written statement is given voluntarily.
- B. In recorded/written statements, follow the guidelines as to introduction, main body and ending of the interview.

XXIV. HANDLING METHODS/RELEASE OF INFORMATION

- A. Recorded statements are considered evidence and will be handled in the following manner.
 1. When an officer has a recording that will be transcribed and used in the case file as evidence or for presentation for court purposes, an evidence sheet will be completed.

2. The Chain of Custody will be completed showing the recording being turned over to the Evidence Technician.
 3. Upon completion of the transcript, the Chain of Custody will be completed and it will be turned over to an Evidence Technician. The recording will be stored as any other type of evidence.
 4. The transcription is placed with the case file and is subject to release under the "Inspection of Public Records Act".
- B. Written statements are considered evidence and treated as such. In the event a person wants a copy of his written statement, even though it is being held in evidence, there is a copy of that statement placed with the case file and it may be obtained through the "Inspection of Public Records Act."
- C. With the usage of pocket recorders, an officer will sometimes record statements by suspect(s) or comments by other persons which could be considered evidence or have a bearing on an investigation. These recordings will be entered into evidence by the officer, regardless of whether the person is arrested at that time or not.

There may be other times that the pocket recorder picks up sounds and/or noises that may be considered evidence or useful in an investigation. Officers have the discretion to enter recordings at any time which may be considered of value.

XXV.POLYGRAPH EXAMINATIONS

It must be recognized that the polygraph technique is no substitute for a complete and thorough investigation. The technique can be helpful in supplementing the investigation, and saving valuable man hours and expenditures if utilized during certain phases of the investigation. It should never be used to circumvent an investigation.

Polygraph examinations should be available to officers as a tool for case investigation; for pre-employment investigations as a means to verify background information and detect criminal activity; and to the Chief of Police for Internal Affairs Investigations.

A. General Policy

1. The tested person shall be told that the test must be

voluntarily taken, and that he cannot be made to take the test, except under a lawful court order requiring the taking of a polygraph examination in which the person to take the test is named.

2. The person shall be informed the test will take from 2 - 4 hours. He shall be told that he/she will refrain from using any alcohol or drugs, unless prescribed by a physician, for 24 hours prior to the examination, and that a question may be asked during the examination pertaining to his non-use of drugs or alcohol during the past 24 hours.
3. The person tested should wear a short sleeved, loose fitting, shirt and causal loose fitting slacks or trousers, if possible.
4. Persons with any physical or psychological abnormality or ailment will be tested at the discretion of the examiner performing the examination.
 - a. Any person that exhibits a condition indicating pain or discomfort, mental or physical, shall not be tested.
 - b. Pre-existing coronary conditions shall require a doctor's release.
 - c. Pregnant women will normally not be tested, and if tested, only upon a physician's release.
5. No polygraph examination shall be given:
 - a. To any person under 18 years of age unless he and his parents or legal guardian have signed a polygraph waiver prior the examination being given (Any person under 14 years of age shall not normally be polygraphed).
 - b. Any employee/member of the Los Lunas Police Department unless such examination is specifically directed by the Chief of Police, and only after the completion of a thorough investigation by appropriate authority;
 - c. Subjects when the requesting individual is not directly affiliated

with a law enforcement or judicial agency.

6. The polygraph examiner will make the final determination as to whether or not a subject will be administered a polygraph examination.
7. All polygraph examinations will conform to Rule 707 (Rules of Evidence, 11-707).
8. Under no circumstances will any attorney or other person be present while the examination is being performed, with the exception of an interpreter.

B. Criminal Investigations

To avoid indiscriminate use of the polygraph and ensure quality case evaluations, the following guidelines have been set for investigative personnel:

1. They shall make contact with the polygraph examiner before scheduling an examination so the examiner's case load can be checked and/or adjusted. Scheduling shall be done as personnel, time constraints, and other considerations dictate.
2. They provide the examiner with all of the reports, supplements, and any additional information available pertaining to the case at hand and the person to be examined, including a criminal history on the person.
3. They shall speak with the polygraph examiner and discuss the merits of the case and "targets" to be addressed at least 2 days prior to the examination being performed. Only one crime or specific issue will be dealt with during any one examination. At no time will the phrasing of any test questions be posed to the examiner by anyone other than the examiner.
4. In all cases, investigators should withhold from suspects all pertinent information believed to be known only to the victim(s) or person(s) with guilty knowledge. Examples: type of weapon used, caliber of weapon, exact amount of money stolen, the words spoken by the victim or perpetrator, exact route taken, or any information known only to those present at the scene of the crime.

5. Investigators shall be available in the office while the examination is being performed.
6. The case investigator will be responsible for having the subject present at the appointed time.
7. Under no circumstances will the results of any polygraph examination be the sole criterion for determining the guilt or innocence of any person.

C. Internal Affairs Investigation

Only the Chief of Police may order an employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:

1. All other reasonable investigative means have been exhausted; and the officer has been advised of the reasons for ordering the polygraph examination. (29-14-5 NMSA 1978)